

## **FISCAL NOTE**

### **HB 589 - SB 1271**

April 10, 2001

**SUMMARY OF BILL:** Creates guidelines for a speedy trial in all criminal prosecutions which include the following provisions:

1. Trials of a criminal action will be given preference over any civil action
2. A defendant committed to custody pending trial will be given preference over defendants not in custody
3. Defendants will be granted a trial date on a motion requesting a hearing within:
  - Six months of the commencement of the criminal action if accused of a felony offense
  - Ninety days of the commencement of the criminal action if accused of a misdemeanor punishable by imprisonment of more than three months
  - Sixty days of the commencement of criminal action if accused of a misdemeanor punishable by imprisonment of three months or less
4. If defendant has been committed to custody, the defendant will be released on bail or own recognizance if state is not ready for trial within:
  - Ninety days from commencement of the defendant's commitment to custody if accused of a felony
  - Thirty days from commencement of the defendant's commitment to custody if accused of a misdemeanor punishable by imprisonment greater than three months
  - Fifteen days from commencement of the defendant's commitment to custody if accused of a misdemeanor punishable by imprisonment of not more than three months
5. Provisions regarding release from custody do not apply to eleven specified serious, violent offenses
6. Provides for some exceptions for reasonable delays

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$3,318,500 Recurring**  
**\$305,000 One-Time**

**Increase Local Govt. Expenditures\* - Exceeds \$1,000,000**  
**Decrease Local Govt. Expenditures - Exceeds \$1,000,000**

Estimate assumes that:

- 42 assistant district attorneys general, 14 assistant district public defenders and associated support staff will be required under the provisions of this bill. This estimate is based upon data from the AOC for *all felony cases* indicating 13 judicial districts (1st, 2nd, 4th, 6th, 9th, 10th, 11th, 13th, 14th, 19th, 22nd, 26th, and the 30th) had an average length of time from filing dates to disposition date for felony cases of approximately 240 days or more for fiscal year 1999-2000. The judicial resources of these judicial districts were compared to data from the weighted caseload study to determine if additional staff was justified for final estimate.

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- some counties will require additional general sessions court resources to process misdemeanor cases within these guidelines; however, adequate case information is not available to make a detailed estimate but such increase in local government expenditures is estimated to exceed \$1,000,000.
- local governments will also have a decrease in expenditures from decreasing the time pretrial detainees are held in custody if released when the trial date deadlines are not met. This decrease in local government expenditures is estimated to exceed \$1,000,000.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director